

Four Conceptions of equal opportunity

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Abstract. Equality of opportunity is widely endorsed, but subject to conflicting interpretations. This essay identifies four nonequivalent interpretations of the equality of opportunity ideal. Under scrutiny, all are contestable. The suggestion is broached that equality opportunity norms are best regarded as, in some circumstances, means to further justice goals, never rather as in themselves morally desirable.

Equality of opportunity is universally acclaimed. However, this consensus is thin. When people heartily endorse equal opportunity, they have in mind different and opposed ideals. Moreover, some of these ideals prove elusive under examination. It is surprisingly difficult to characterize an ideal of equal opportunity that is both reasonably determinate in meaning and plausibly regarded as morally fundamental—morally valuable for its own sake, or right in itself, rather than as a means to some further value. My own diagnosis of the difficulty we encounter in elaborating the ideal of equal opportunity as a component of fundamental justice is that it is not fitted to this role. My suggestion is that we do not disparage equality of opportunity, but are helped to appreciate its true importance, by seeing it as a derivative norm. Gross deviation from equal opportunity in a society is an indication that something is very likely wrong, not a wrong in itself. Whether or not you find this suggestion palatable, we should agree that the current social consensus behind equality of opportunity is paper-thin, because there are many rival understandings of the ideal of equal opportunity and no agreement about which ones we should endorse any why.

Each of the first four sections that follow delineates a distinct equal opportunity ideal with some claim to our allegiance. In some instances problems in interpreting the notion are noted. I provide examples that invite the reader to consider to what extent, if at all, we ought to seek equal opportunity for its own sake, when its fulfillment does not facilitate fulfillment of further, undeniably compelling goals. These appeals to intuitive judgment are just that, and not intended to be knockdown arguments. The upshot is conditional: to the extent one agrees with the intuitive judgments suggested here, to that extent one has reason to see equality of opportunity as in itself less morally valuable, or at the limit, altogether lacking such value.

1. Libertarian Equality of Opportunity.

A Lockean libertarian (Nozick, 1974) holds that each person is morally at liberty always to do what she pleases with whatever she legitimately owns provided she does not act against others in certain specified ways that count as violations of their moral rights. These specified ways are given by a list including force, physical assault, fraud, theft, causing physical damage on persons or property, and threat of any of the preceding. Each person is the full rightful owner of herself, and persons can come to acquire full ownership of moveable and immoveable parts of the Earth. Each person has a moral right not to be treated by others in any of the specified wrongful ways along with a duty not to wrong anyone else in any of the specified ways.

Each person has equal moral rights, and equal opportunity is upheld when all persons respect these equal moral rights. The owner of a business or factory is then morally at liberty to associate with others on any mutually agreeable terms that violate no one else's rights. A business owner is at liberty to hire only white males in her business, or only black females, or Hispanics only for skilled jobs, or only for unskilled jobs, as she wishes. Enforcement of the norm of careers open to talents or formal equality of opportunity violates libertarian equal opportunity by encroaching on the rights of the private property owner to do whatever she wants with whatever she owns on any mutually agreeable terms with those who choose to associate with her, provided she respects everyone's spare Lockean rights.

In like manner, according to Lockean libertarianism, one who operates a business that provides a service or good is entitled to sell services, or refrain from selling, on any basis or whim. Enforcement of common carrier norms that require, say, restaurant owners to sell to any willing consumer who abides by reasonable norms of customer behavior would violate libertarian equal opportunity by encroaching on the rights of private property owners.

This is a coherent ideal, but it rests on an inflated view of private property rights that should be rejected. Also, the idea that each adult person is the full rightful owner of herself has a stirring ring to it, but its core is the idea that no needy person, not even a person desperately in need of rescue, and not even a person whose life would be saved by an easy rescue performed by me, has any enforceable moral claim to the use of my body. The idea of self-ownership is not in accord with common-sense judgment, but an extreme doctrine, that merits rejection.

2. Careers Open to Talents; Formal Equality of Opportunity.

The core idea of careers open to talents or formal equality of opportunity (I'll use these terms interchangeably) is that lucrative and desirable productive social roles should be open to all who might wish to apply and that applications should be assessed on their merits, and applicants selected in the order of their merit. An application is meritorious to the degree that it indicates that selection of the applicant would advance the morally innocent goals of the enterprise. The core idea can be extended to desirable consumption roles. Formal equality of opportunity requires that if a business offers merchandise or services for sale, would-be customers willing and able to pay the sale price are treated even-handedly, according to criteria that are chosen with an eye to advancing the morally innocent goals of the enterprise. So, a bar may refuse to sell drinks to a drunken or unruly customer, and a manufacturer of surfboards may favor customers who will use the surfboards for surfing rather than those who will use the surfboards as coffee tables. But refusing to serve a customer on grounds that she is black or a woman or adheres to the Jehovah's Witness faith violates formal equality of opportunity.

A complication involves the possibility that a firm seeking innocently to advance its profits might in doing so cater to discriminatory or bigoted desires of consumers. If consumers prefer to buy products to the making and delivery of which only unskilled labor has been contributed by blacks, manufacturing firms will regard not having black skin as a qualification of job applicants for skilled jobs. One might respond by prohibiting firms from treating not having black skin as a job qualification. One might also hold that formal equality of opportunity imposes moral constraints on purchasers of goods and services, requiring them not to let bigoted motives influence their consumer choices.

The question then arises, how to interpret the requirement that firms and customers should choose only with a view to advancing morally innocent purposes. Suppose that elderly women prefer to be served by female rather than male nurses and doctors, and residents of an Hispanic neighborhood in a city prefer that the police who patrol their neighborhoods be Hispanics. In both cases the customers feel more comfortable being served by those who are perceived as like themselves in some salient way. Is this desire to feel comfortable innocent or bigoted?

However that question is answered, the proviso that those interacting in market exchange must seek to advance only morally innocent goals sweeps too broadly. Suppose purchasers of guns and ammunition prefer to be able to shoot bullets at high velocity and make purchases accordingly. Some gun manufacturers flourish and some do not. It seems there is no violation of formal equality of opportunity here, even if some gun purchasers seek to have and use guns for nefarious purposes. --I note complications but do not seek to refine the formulation of careers open.

Careers open is instrumentally valuable in uncontroversial ways. If demanding jobs are open only to a narrow segment of society, jobs are less well performed, and those the jobs serve are served less well. If creative and entrepreneurial individuals from disadvantaged family backgrounds lack access to bank loans, business enterprises that would flourish, and benefit society, do not get formed. The instrumental values that careers open achieves include fairness values as well as aggregate welfare values.

Whether careers open is intrinsically morally valuable or morally right in itself (apart from further good consequences pursuing it might deliver) is not so clear. Imagine that a society institutes a permanent affirmative action or reverse discrimination program to improve the competitive economic prospects of persons whose parents are of low socio-economic status. In every competition, a mild favoritism is shown toward persons from disadvantaged family background. So careers open to talents is massively violated in this society. One can imagine that various bad consequences might ensue and social pathologies might develop as a result of initiating this policy of reverse discrimination in favor of those with deprived social class background. Just suppose this does not occur. The steady outcome of the policy is that the gains it bestows on people who otherwise have lesser social prospects than others outweigh, in a reasonable morally sensitive cost and benefit calculation, any losses suffered by those displaced from desirable positions and any further social costs the affirmative action program incurs. In the imagined scenario, what should be our attitude toward violation of the norm of formal equality of opportunity or careers open to talents?

We should react with equanimity. If fundamental distributive justice norms, apart from the norm of careers open that is under review, are better fulfilled when careers open is not satisfied, we should continue to follow whatever policies best achieve distributive justice. (For purposes of this discussion, we can be agnostic as to what these distributive justice norms are—insert your preferred doctrine when responding to the hypothetical

being posed.) The suggestion then is that the example suggests no conflict of values that calls for careful balancing of opposed desiderata—formal equality of opportunity versus other distributive justice norms. If it serves no further moral goals, the norm of careers open to talents is morally weightless.

That last claim might strike you as dogmatic bluster. Who says that formal equality of opportunity is not valuable in itself? To make progress, it won't help to imagine a case in which lots and lots of good things accompany the fulfillment of the formal equal opportunity norm or are brought about causally by it. We need to look at cases in which nothing of value rides along with fulfillment or nonfulfillment of this ideal. Looking at such a case, do we have the sense that something significant is still at stake—some norm that is fundamental and should be obeyed for its own sake, some value that has moral weight even when stripped of other values that usually accompany it?

A violation of formal equality of opportunity might be motivated by animus against the type of people to whom equal opportunity is being denied. The animus might be bad in itself. But many possible violations of careers open will lack this feature.

Here's an example that tells against the claim that the most qualified is entitled to be offered the position for which he has applied. Suppose there is a thin market in a small town. There are two applicants for the position I advertise, and I know the best qualified applicant would do far more good for the world as a surgeon than as a clerk in my store. If I offer her the clerical job, she will accept it, and if I don't offer it to her, she will revert to serving as the town's surgeon. Knowing all this, I offer the job to the less qualified applicant. This action does not seem to be morally wrong all things considered and so far as I can see is not even *prima facie* wrong in virtue of violating the formal equality of opportunity norm.

Some might find this example less than compelling in its suggestion that I know better than other people what is best for them. The issues raised by this worry can be set aside. Let it be stipulated that the preferences of the surgeon's patients are better fulfilled if she remains in that post and given their poverty would not register strongly as market demand.

Here is another example pressing the same point. Consider a hunter-gatherer society in which key posts such as priest and chieftain are filled by choice of the current occupant of the post. The norm is that selection is supposed to be done so the common good is best served. The costs of putting in place some formal application

assessment procedure would be considerable and produce no expectable gain in quality of performance in these key posts. We can further stipulate that fulfillment of formal equality of opportunity would not serve any further plausible social goals of the members of the society. Here, I submit, nonfulfillment of formal equality of opportunity should not register as a moral loss.

3. Rawlsian Fair Equality of Opportunity.

Formal equality of opportunity is merely formal. Picture a society that is divided into a warrior caste and a plebeian caste. Those in the latter group perform the necessary work of society for low wages. The members of the former group fill places in the army, which are rewarded with high pay and privilege. Places in the military are open to all applicants and applications are judged on their merits, and those with best military skills are awarded places. Although anyone may apply for positions in the military hierarchy, only those from military families have the financial resources to invest in training of their sons and daughters so that they actually become qualified, and only members of the aristocratic military caste are ever chosen for places in the military.

We can imagine a reform of the equal opportunity warrior caste society that opens doors to the military posts by offering merit-based scholarships to military training camps to children who cannot otherwise gain access to military training. Everyone in society now has some opportunity to become qualified. In a more realistic scenario, we can imagine a society with a market economy putting in place a system of public schools for all children funded by general tax revenues. The schools enhance formal equality of opportunity by giving every member of society some substantial opportunity to become qualified for competitions for desirable positions in the market economy.

One could imagine various ways to strengthen the ideal of providing substantive opportunities to all members of society to become qualified for social competitions. Part of the genius of John Rawls's monumental treatise *A Theory of Justice* (Rawls, 1999) is visible in the brisk way that he cuts through this issue by taking the substantive opportunity idea to its logical culmination.

Rawls elaborates the idea of fair equality of opportunity (FEO) in these words: "those with similar abilities and skills should have similar life chances. More specifically, assuming that there is a distribution of natural assets, those who are at the same level of talent and ability, and have the same willingness to use them,

should have the same prospects of success regardless of their initial place in the social system, that is, irrespective of the income class into which they are born.” As stated, the norm seems to require only eliminating the causal impact of parents’ income on competitive prospects, but the idea that all those with the same native ability and the same ambition should have the same prospects of competitive success sweeps aside all social contingencies, not just parents’ income. In the society in which FEO is satisfied, if one picks out any two members of society, if they have the same native ability and ambition, their chances of competitive success are the same. In a later work Rawls voices the same idea: “In all parts of society there are to be roughly the same prospects of culture and achievement for those similarly motivated and endowed” (Rawls 2001, 44)

Rawls treats FEO as incorporating careers open. So a state of affairs in which plain FEO as stated in the previous paragraph is satisfied and careers open to talents is not would not qualify as satisfying FEO. One could instead treat the two notions of equal opportunity as different ideals that in some circumstances will conflict.

The Rawlsian ideal of fair equality of opportunity is nested in an ordered set of three principles that together constitute Rawls’s theory of justice for the basic structure of a modern society. Equal liberty says that each member of society has a right to an equal fully adequate share of certain basic liberties or civil liberties. The next two principles are combined in one formulation: Inequalities in social and economic benefits (primary goods holdings) are acceptable if and only if they are (a) attached to positions and offices open to all under fair equality of opportunity and (b) function to maximize the primary goods holdings of those who are worst off in these terms. Fair equality of opportunity (FEO) regulates access to positions in society that confer primary social goods. These positions include positions in the market economy—jobs offered by business firms and government bureaucracies, opportunities to own a business, professional licenses and career opportunities, and access to bank loans—and also educational opportunities, especially places in competitive colleges and universities. (In passing, I note that the place of inheritance of wealth in Rawls’s scheme is unspecified. And somewhat obscure.)

The Rawlsian ideal of fair equality of opportunity is immediately appealing. It captures an idea of a classless society. The society that fulfills FEO is classless in the sense that being born in a family of wealth and privilege confers no advantage in terms of boosting one’s prospects of achieving competitive market success.

The son of a banking magnate and the daughter of a janitor who works in the bank, if they have equal native talent and equal ambition, have equal competitive prospects.

3.1. Problems of Interpretation.

On its face, FEO does not look to be implementable in anything except a very rough way. For starters, we lack any way of assessing the native talent endowments of different individuals. We always observe the individual as modified by interactions with some environment. Two individuals with an identical genetic endowment will have the same potential, but we need to use a broader notion of having same native talent. Suppose there are two different genetic endowments and one could place either of them in any of a wide range of environments including any that are likely to be encountered and end up with the same potential talents. Then we say the two genetic endowments though nonidentical are equivalent. This is a very rough characterization.

“Native talent” is not an evaluative notion. An individual’s native talent endowment is just his given potential for developing traits that will fetch high income given expectable conditions of supply and demand in the market economy he will face as an adult. Rawls does not intend to suggest that these traits will be noble or desirable in any way other than fetching a high price.

Interpretive difficulties also lurk in the idea of two individuals having the same ambition. It might seem obvious that our notion of equal opportunity must be qualified in this way. If two individuals have the same native talent, and one lacks ambition while the other strives hard and persistently to achieve positions of advantage in the market economy, and the hard worker has much higher chances of competitive success, this is not necessarily unfair.

But there are examples and examples. Suppose Sally and Samantha have the same native talent but Samantha has high ambitions and a strong work ethic, and Sally does not, and Samantha has far better competitive success than Sally. So here no violation of FEO is registered. But let us stipulate that the explanation of Samantha’s greater ambition and success is that she was raised by wealthy, well-educated parents, who sent her to expensive private schools attended by able and privileged students. Samantha, but not Sally, was trained and socialized to be ambitious, and this was advantageous to her.

Another example: Two individuals might have the same native talent, but one has impoverished parents, and this person's preferences and ambitions adapt to her circumstances. (The perception that one would have no chance of becoming a banker or a surgeon if one had that aspiration causes one not to have high-flier aspirations.)

Another example: Suppose that Edward and Edwina have the same native talent, but grow up in a social environment in which men are encouraged to "be all you can be" and women are encouraged to "stand by your man". They both internalize the gender roles they have been taught, so Edward, but not Edwina, develops and fulfills high ambitions for competitive success. Again, same native talent, different ambitions, different prospects of competitive success does not register as any sort of violation of FEO.

Another consideration is that we have evidence that schooling improves people's life prospects not only by imparting cognitive skills but also by imparting traits such as persistence, willingness to delay immediate gratification for greater later rewards, cooperativeness, and so on. This is not merely something that happens; it's part of what we expect good schools will do. Part of providing children a fair start in life is facilitating their development of traits they will need in order to be cooperative, respected members of the community and successful at achieving their life goals (Heckman, 2013). The basic idea of substantive as opposed to formal equality of opportunity is that when the former obtains, everyone has a fair opportunity to become qualified for desirable competitive positions. A banal truth here is that becoming qualified includes acquiring appropriate desires and dispositions as well as acquiring appropriate cognitive and physical skills.

At the same time, some version of a distinction between abilities and ambitions seems necessary in elaborating a sensible interpretation of generic substantive equality of opportunity or the more specific Rawlsian FEO. Suppose that contemplative parents raise their children to be alienated from the materialistic and consumerist culture that surrounds them and to seek enlightenment not high income. If these children have lesser competitive success than the equally native talented children of parents who train their offspring to be go-getting strivers, FEO, plausibly construed, is not violated.

One might accept that FEO is not violated in this example, but still have the reaction that something is amiss. I believe that whether this is so depends on details left so far unspecified. If being raised to be uninterested in material success is, for these individuals, just an obstacle to living well, then they are

disadvantaged, which perhaps should register in some version of an equal opportunity norm. If being raised to have contemplative aspirations helps the children eventually to live well, and have better life prospects than others by the appropriate life fulfillment metric, then nothing is amiss.

The examples point toward a philosophical muddle, insofar as we seem to be able intuitively to classify some of them as violations of the spirit of FEO and others as not really violations at all, but we lack a characterization of a standard that sorts the cases according to intuition. ("Seem to be able," because our confidence in our pretheoretical sorting judgments may fail to stand up under scrutiny.)

In some cases, we may feel that the socialization that people receive, shaping their ambition-formation, is unfair to them, in the sense of unfairly reducing their life prospects. Registering this concern, let us stipulate that FEO demands that all those with same native talent and same ambition have the same chances of competitive success with the further proviso that the socialization processes that influence the formation of people's ambitions are not unfair. Of course, this formulation just encapsulates a difficulty and does not solve it. The difficulty is to determine how to draw the line between fair and unfair socialization practices.

Setting this issue to the side, we should notice a further problem of interpretation. FEO says that those with the same native talent and the same ambition should have the same prospects of competitive success. The idea of *same prospects of competitive success* is unclear. Consider two individuals with identical strong native potential ballerina talent and identical (mediocre) other native talent. Both have the same ambition to be successful ballerinas. One is trained to have the maximum possible chance to be a successful ballerina and poor competitive prospects otherwise; the other is trained in a less specialized way, with some chance to be a successful ballerina and reasonably good competitive prospects otherwise. Is FEO violated? Each has better prospects in some ways and worse in other ways. If we stipulate that one individual has better competitive prospects than another only if one's prospects at each distinct type of social competition dominates the other's, FEO will rarely be violated, especially if types of social competition are finely individuated. If we anchor competitive prospects to the individual's main ambition, in the example just given we must say the individual trained in a specialized way that suits her ambition has better competitive prospects even if the chances that she will successfully achieve her ballerina aim is infinitesimal (if the other's ballerina prospects are zero). We could alternatively stipulate that two persons with the same ambitions and native talent have the same prospects of

competitive success when their primary good expectations given the competitions they will enter are the same overall. But this stipulation bleaches out of the Rawlsian ideal the thought that people seek employment opportunities partly to gain special opportunities for self-realization not just income and wealth, and the FEO ideal must register the importance of people's self-realization aims (their particular ambitions).

3.2. FEO and Family Liberty.

FEO has attracted criticism on the ground that its full implementation would conflict with the freedom of competent parents to raise their children as they see fit. The idea is that any reasonable doctrine of the liberty of parents to shower benefits on their own children and to seek to inculcate their own values into their children in the course of childrearing will serve as a brake on the implementation of FEO. A government ought not to seek to achieve FEO, because any serious attempt to do so would wrongly violate parental liberty.

In a Rawlsian framework, this objection draws attention to the place of FEO in Rawls's nested set of lexically ordered principles. The principle of Equal Liberty takes strict priority over FEO; no basic liberty should be restricted even to a very small extent to achieve any gain however large in the extent to which FEO is fulfilled. FEO in turn takes strict lexical priority over the difference principle, the norm that basic institutions should be set to maximize the social and economic primary goods prospects of those in society whose prospects in these terms are worst. Rawls affirms that inequalities in social and economic resources are acceptable if and only if they (a) attach to positions and offices open to all under conditions of fair equality of opportunity and (b) work to maximize the social and economic resources accruing to the least advantaged social group, condition (a) taking strict priority over condition (b).

If the freedom to form family groups and marriages with others on mutually agreeable terms and raise children and to bear children and to raise them as one sees fit qualifies as a basic liberty, then in Rawls's scheme this parental liberty takes strict lexical priority over FEO.

One question that arises here is whether principles of justice impose norms that determine how the basic institutions of society should work together to determine life prospects or whether principles of justice impose norms that fix duties for individuals deciding how to live their lives as well as for the regulation of basic institutions. Some hold the latter view, so for them it is important to specify the duties of individuals acting

within families as they raise their children with respect to bringing it about that society achieves social justice goals (Brighthouse and Swift, 2014).

Others hold that principles of justice regulate only basic structure institutions and regarding these regulations, individuals are required only to support and sustain just institutions—what individuals do in their private life is up to them, not regulated by principles of justice for institutions. Those taking this line might hold that the choices that family members make are not within the scope of justice: Whatever their character, they do not affect the degree to which institutions satisfy principles of justice.

Both sides in this dispute seem to assume that if the actions of individual family members that affect the social competition prospects of children are not regulated by principles of social justice, then this tolerance of family behavior significantly constrains the degree to which a society can achieve FEO. This assumption seems likely wrong, once it is made explicit.

Suppose that no restrictions are placed on parental actions that increase the developed abilities of their children and hence give them a leg up in social competitions. It remains so that in principle, and surely to a great degree in practice, a government could take offsetting actions that would boost the skills of those children otherwise left behind given the ensemble of parental actions benefiting their own children. If rich parents provide expensive schools for their children, the government provides expensive schools for those children who would otherwise be disadvantaged by the rich parents' actions. If some parents do not do much for their children, the government offsets whatever disadvantage their comparative neglect would impose on their children. By extensive Head Start policies that engage in constant counterbalancing jiu-jitsu moves, no parental actions freely taken to help their children result in failure of society to implement FEO. The government likely could not fine-tune its policies to achieve an exact counter-match, but there is enormous opportunity to do far more than is currently contemplated to level the playing field, implementing FEO.

The point is that concerns about family liberty are a red herring when the issue is, to what degree do we believe justice demands channeling resources to achieve fulfillment of FEO. Perhaps parental liberty should be curtailed, to some degree, in some circumstances, to facilitate achievement of social justice goals. Why not? But even if protecting parents' liberty to favor their own children were a trumping concern, respecting such liberty leaves open other paths along which, at the very least, great strides could be made toward fulfillment of FEO. A

Rawlsian should say, we should do so. I shall eventually suggest that this is a plausible judgment when FEO rides together with other justice goals, but that just bringing it about that every genetically equally well endowed individual has the same opportunity for success in competitions for extra social resources is not in itself a goal that has any priority much less the high priority it is assigned in the Rawlsian theory of justice.

This imagined governmental policy of counterbalancing any and all exercises of parental liberty that threaten fulfillment of FEO might seem to amount to wrongful limitation on parental liberty. This is not so. My liberty to give my children enhanced learning and training is not taken away if other parents have similar liberty and happen to act to counterbalance my efforts. The same is true if the government negates the anti-FEO effects of parents' actions. Nor would a standing and known government policy of counterbalancing parental efforts to help their children necessarily make those efforts pointless. A parent might well have the aim, not just that his child gets some benefit, but that his child gets some benefit via the parent's own agency.

One might suppose the imagined counterbalancing government policy could be implemented only by carrying out draconian surveillance of family life, which would be unfair. However, if it is agreed that FEO is a justice demand that should be implemented, then surveillance, intruding on privacy just to see to it that FEO is done, is arguably not unfair. Suppose that each home is equipped with a surveillance camera that records family life, the film being monitored only by a computer program that registers and records parents' activities fostering the competitive advancement of their children. One might compare such surveillance with camera surveillance of homes just for the purpose of detecting episodes of domestic violence. I do not say that nothing done to advance a reasonable cause could violate people's moral rights, just that the surveillance described here should not qualify as rights violation.

This discussion of how FEO might be fully implemented by a political society committed to doing so will strike the reader is unbalanced, for (even assuming it is reasonable for purposes of discussion to ignore the lack of political will in any actual democracy for such a project) it ignores the enormous moral cost that any such campaign would involve. I am not saying we should fully implement FEO, or come close to doing that. I am saying, we could. If after reflection we balk at sacrificing other goals to achieve this one, that may indicate that on close examination, its appeal fades.

3.3. FEO as Not Per Se Morally Valuable.

It is not clear anyway that violations of FEO even in straightforward cases that do not bring into play the difficulties canvassed in part 3.1 of this discussion would necessarily be unfair. Imagine that an egalitarian society channels extra resources into the education and socialization of children of low-income parents, with special resources devoted to the subset of children from disadvantaged backgrounds who have subpar endowments of native talent. These individuals, let us suppose, then have better prospects of competitive success than individuals from advantaged backgrounds with the same native talent endowments and same level of ambition. If this occurs, FEO is violated. But the end result need not be unfair all things considered. Perhaps the extra competitive prospects gained in this way for children of poor parents with poor native talent endowments are balanced by other benefits that fall on children of wealthier parents with the same talent endowment—these latter children may gain favorable traits from their socialization that improve their life prospects without improving their prospects of competitive success, or may receive gifts from parents or others in their social circle unmatched by anything those born into poor families get. It's easy to imagine a kind of affirmative action policy operating at preschool and grade school levels that favors untalented children of low-income children with the result that gains obtained for them that by any reasonable measure outweigh the losses to those disfavored by this policy—talented children from low-income families and children from high-income families.

We might worry that channeling extra education to the low-ability segment of the poor is an inefficient use of resources, because the gains in productivity that channeling resources to low-ability people will achieve are far exceeded by the gains in productivity that could have been achieved by channeling resources to high-ability individuals instead. But this worry is not necessarily well founded. Its soundness may depend on the measure being used. Suppose some low-ability persons, given an educational boost, gain good jobs they would not otherwise have had, and suppose that they gain meaningful work and its fulfillments. If we think benefits matter more (are morally more valuable), the worse off are the people to whom they accrue, then there can be moral gain when meaningful work benefits are shifted to people who would otherwise be worse off, even if the aggregate level of meaningful work benefits summed across all people does not increase. These gains can offset, and more than offset, any loss of productivity occasioned by this policy. For simplicity, consider a case in which the workers are employed in a luxury goods industry, and losses to consumers accrue to people whose life

prospects are already far better than most people's. Where this is so, to a sufficient degree, the policy that violates FEO and channels good jobs to low ability types among the worse off improves total well-being weighted by the priority we are assuming should be given to the worse off. When this is so, the violation of FEO should not register as any sort of moral loss.

The same point holds in reverse. Suppose tolerating or deliberately inducing a state of affairs that violates FEO is in given circumstances an effective strategy for achieving better lives for people, with the distribution of good across people assessed by a prioritarian standard that gives extra weight to gains for the worse off, provided refraining from insistence on FEO is coupled with instituting redistributive taxation and channeling the extra wealth judiciously in ways that enhance priority-weighted well-being. Under this scenario, children of the rich have better chances of going to Harvard than equally talented children of the poor, but we save the administrative costs of the difficult and expensive policies that would be required to bring about fair equality of opportunity, and taxation of the Harvard-educated and redistribution of the revenues fund projects that more than compensate for the stingy failure to fund maximal enforcement of FEO. Again, where this is so, there is no moral loss, no difficult tradeoff issues to resolve. We should just do whatever maximizes priority-weighted well-being and let the equal or unequal opportunity chips fall where they may.

These claims do not depend for their plausibility on the specific distributive justice view, welfarist prioritarianism, that I am affirming. Take your preferred account of distributive justice. This might be the difference principle, or a more generic version of maximin: Arrange institutions and choose policies that make the benefits obtained by the worst off in society as large as possible. In many situations, perhaps almost all, achieving FEO, or at least taking large strides toward achieving FEO, will promote not hinder the achievement of distributive justice.

The arguments I have been making employ unrealistic hypotheticals. We don't in fact see hyperegalitarian societies violating FEO with the aims and results described. That doesn't matter for purposes of making the argument. The hypotheticals are to help in probing the question, what really matters, as opposed to being more or less reliably correlated with, or causally connected to, what really matters.

Equal opportunity norms historically arose in the course of campaigns against feudal, aristocratic privilege. The opposition was to reserving desirable social roles and occupations for those who are already

unfairly privileged, better off than others. This impulse does not automatically oppose reserving desirable social roles and occupations for those who are already unfairly unprivileged, worse off than others. Of course, if doing so is counterproductive in the sense of bringing it about that those we are trying to help end up worse off than they could be made, or enjoy gains that are morally outweighed by losses thereby imposed on others, then we should refrain from these Robin Hood policies. The point is that we are now viewing equal opportunity as a help or hindrance to other goals deemed morally important for their own sakes.

The upshot is that we should be relaxed and pragmatic in our attitudes toward equality of opportunity whether formal or substantive. If affirmative action or reverse discrimination policies in education and employment work out well to achieve egalitarian distributive justice goals, whether in the short run or even as long-term permanent policies, the fact that they contravene equal opportunity should be strictly a “don’t care.” If a society like Belgium or Northern Ireland or Israel-Palestine would benefit, in ways that register in egalitarian distributive justice norms, by instituting a consociational arrangement, in which certain educational or employment or other social role positions are split in a fixed proportion among the mutually distrustful ethnic or religious groups, once again, the failure to satisfy equality of opportunity should not be a concern. In contrast, when, as often, violations of equal opportunity sabotage egalitarian goals, equal opportunity should be staunchly upheld.

3.4. A Wrinkle in FEO.

I have suggested that FEO, however characterized, is not morally valuable in itself, neither per se good nor per se right. We should seek to bring society into conformity with FEO only to the degree that doing so furthers other morally compelling or mandatory aims. (For all that has been said here, the circumstances in which we should conform to FEO might be ubiquitous.) This suggestion will be opposed by some who hold that some appropriate version of FEO is morally valuable in itself, but one among several such values, so to determine to what extent we should pursue FEO in given circumstances we need to figure out to what degree pursuit of FEO would hinder the satisfaction of other norms that are also morally valuable, and balance the opposed considerations.

Rawls himself goes some way down this road. We might balk at pursuing FEO when it conflicts with Pareto. If we could make someone better off without making anyone else worse off, we should do so, even if

that would reduce the degree to which FEO is fulfilled. Rawls agrees up to a point. His final statement of FEO holds that FEO should be fulfilled unless failure fully to implement it would bring about greater opportunities for those who end up with lesser opportunities, compared to the set of opportunities they would have under a regime of full implementation. In other words, if under full implementation of FEO I would have the option of being an unskilled laborer or a postal clerk, whereas under one possible relaxation of implementation of FEO, I would also have the extra option of becoming a bank clerk (and there are no other effects on the competitive opportunities people will have), then we ought to relax the implementation of FEO in this particular way rather than insist upon full FEO implementation.

On this view, the FEO advocate draws the line at trading off lesser implementation of FEO for benefits other than increases in competitive opportunities. Suppose that if society was to tolerate less than full implementation of FEO, the competitive prospects of the worst off members of society would not increase, but economic production would rise, and taxes imposed on those with higher incomes could be channeled to the worst off, improving their income and thus their primary goods holdings. According to the Rawls final formulation of FEO, this package of lesser fulfillment of FEO and greater redistribution would be unjust. Recall, FEO appears in a nested set of strict lexical priorities, so no shortfall in fulfillment of FEO however slight would be morally acceptable in order to gain any increase in fulfillment of lesser-ranked justice principles however huge.

The question then arises, why justice forbids tradeoffs of degree of implementation of FEO for gains in other justice values. In particular, mere gains in income and wealth have no weight at all in the determination of what is just, when gains and losses in people's competitive opportunities are at stake. Rawls hints that the issue here concerns the value of individual self-realization (Rawls). The opportunity to engage in a career offering meaningful and challenging and intrinsically rewarding work is of incomparable value compared to mere increases in one's income or stock of wealth.

But this sounds like a dogmatic and false claim. Self-realization can take many valuable forms. With greater income, I can pursue spiritual and intellectual and aesthetic and altruistic interests. I can pursue these aims in leisure time off the job. I can also use saved income to finance extended time off work to allow me to pursue my self-realization interests—going to Africa to assist in famine relief, or to India to live in an ashram, or to the South of France to paint, or to Boston to go to school, or to Yosemite to climb rocks, and so on. Moreover,

self-realization—development and exercise of one’s potential for significant achievement—is one group of goods in human life, and these goods are balanced and traded off against others in any person’s reasonable plan of life. Sometimes the pleasure of watching a sunset or eating a cheeseburger outweighs a higher achievement one could instead seek.

One might say, even if self-realization achieved through success in social competition is not reasonably a top priority for all persons or even most persons, still, there is the chance that it might be a top priority for anyone, and so anyone has reason to insist that society fulfill FEO, just in case. But this prompts a similar objection to the objection against FEO. There is no reason to suppose that the chance of becoming a person who can win social competitions and gain their rewards should have greater importance for an individual than the chance that one will be able to use extra income and wealth to generate important gains in the quality of one’s life. If winning the Kentucky Derby is not all important, then neither is having a chance of winning the Kentucky Derby.

Samuel Freeman opines that FEO should be accepted and given the high rank it has among Rawls’s principles because fulfillment of FEO “is integral to the status of free and equal citizens” (Freeman, 2007; Shiffrin, 2004). FEO is one of the social bases of self-respect, which must be buttressed, to maintain the self-respect of each citizen so all can regard each other as free and equal.

In response: we should first explain the jargon. Self-respect here is one’s confident sense that one’s plan of life is worthwhile and that one is capable of fulfilling it. Self-respect so understood stands in complicated, uneven relations to actually leading a good life, a life of friendship, love, achievement, understanding, and joy. My plan of life may be no good, oriented to shabby, silly, worthless, or evil goals, and shaking my confidence that it is good may be absolutely necessary to give me any chance of a decent life. My plan of life may be sublime except that I am utterly incompetent to achieve it, and again, smashing my false confidence may be absolutely necessary to give me any chance of a decent life. Low-self respect, a nagging anxiety about one’s competence, in many circumstances and at many ranges might be a useful means to high achievement. If maintaining self-respect is not always good, maintaining the social bases of self-respect is also not always good. It all depends.

It may well be that we all owe one another equal respect and concern. But this is shown by conforming our actions to whatever morality demands and bringing about conformity of our institutions and social practices

to whatever justice demands. If a set of fundamental moral principles that does not include FEO is correct, then acting on those principles and bringing society into conformity with them is treating our fellow humans with equal concern and respect.

However, outlining a possibility is not the same as demonstrating that it actually obtains. Even if it is implausible to suppose FEO takes strict lexical priority over other justice values, it might be plausible to suppose it has some justice value. On this issue, all that my arguments do is issue an invitation to further reflection accompanied by a hunch: You should consider situations in which gains in FEO are not accompanied by goods that usually contingently ride with those gains, and consider how much FEO should matter in itself, stripped of these associated goods and values. The hunch is that when we carry out this exercise carefully, considering the most plausible candidate fundamental moral principles that exclude FEO, we will see that they don't need any FEO supplementation.

4. Luck Egalitarian Equality of Opportunity.

"From an equity perspective, children's life chances should depend less on the lottery of birth than on their own latent abilities," a sociologist observes (Esping-Anderson, 123). This is on its face an odd claim. If anything is a sheer lottery beyond one's power to control, it is the process that determines one's latent abilities. These are already present at conception, in utero, before the individual has had any chance to make an effort or do anything that might qualify as conferring extra desert. If the moral imperative is that people's life chances should not depend on sheer lotteries imposed on them beyond their power to control, then substantive equality of opportunity, perhaps as codified in some revised version of FEO, looks to be an unstable compromise.

This is the nerve of the argument for the doctrine that has come to be known as luck egalitarianism. This is perhaps more accurately viewed as a broad family of views (for criticism, see Scheffler, 2003, 2005; also Fleurbaey, 2008). The rough idea is that people should enjoy the same level of benefit unless they have come to be worse off than others in ways that lie within their power to control and hence are reasonably deemed to be their own responsibility. In other words, as Larry Temkin once stated, it is morally bad—unjust and unfair—if some are worse off than others through no fault or choice of their own (Temkin, 1990). The luck egalitarian doctrine takes equality of outcome to be the moral default, the position to which we should revert unless there

is reason to shift away from it, and distinguishes between luck or chance that does and that which does not lie within the individual's power to control. The former does supply a good reason for movement away from equal distribution and the latter does not. This is recognizable as an ideal of equal opportunity—everyone should have equal opportunity to be as well off as others.

The first thing to say about this proposal is that it is not so much suggesting a doctrine intended to compete with formal equality of opportunity and substantive equality of opportunity as changing the subject altogether.¹ The latter doctrines assert a conditional: if there should be inequalities in people's life chances, the inequalities should be attached to social roles and perches in the social order that are open to all according to terms that define equality of opportunity as interpreted by the particular doctrine under review. These doctrines are silent on the further questions, whether there should be social inequality at all, and if so, what conditions are necessary and sufficient for it to be morally justified. Luck egalitarianism addresses the further questions. It offers an account of social justice, or at least of distributive justice, the part of morality that tells us under what conditions the benefits and burdens that accrue to people are fairly distributed.

The account proposed is simple and radical. It says that morality requires that all of us should be equally well off, except insofar as those of us who are worse off have landed in this predicament in some way that is really their own fault (as when I make an avoidable bad choice) or comes about through their own choices, for which they should bear responsibility (as when I have an array of reasonably good options from which to choose and select, perhaps reasonably, a risky option, which turns sour). Since all existing social systems continually generate huge inequalities in people's life prospects that cannot conceivably be justified in these ways, luck egalitarian justice demands an overturning of existing social systems.

As stated, the doctrine might look to be both quixotic and fetishistic. Quixotic, in that its prescriptions as to what justice demands are too discordant with prevailing social reality and too far removed from any politically feasible changes that might have a chance of being adopted and implemented to have any relevance for practical real-world guidance. And fetishistic, in that luck egalitarianism on its face demands equal distribution even when some unequal distribution (or some set of institutions that generates unequal distribution) would render all of us better off, or some of us better off and none worse off.

Both objections are misplaced. Luck egalitarianism in plausible versions is a maximizing doctrine: it says we ought to bring about, to the extent that we can, a state of affairs in which people are not worse off than others through no fault or choice of their own. Provided the doctrine delivers a complete prescription, which enables us to determine, given any two possible states of the world fully described, which one if either is better in terms of being closer to conformity to the luck egalitarian utopian ideal, we have all the practical guidance we could want, and a determination of what we ought to do no matter how limited the set of feasible options among which we have to choose.² For any maximizing doctrine, half a loaf is better than no bread, and for that matter a crumb is better than nothing at all.

As to the fetishism objection: Versions of luck egalitarianism or close cousins of that doctrine have at one time or another been embraced by prominent political theorists including Ronald Dworkin, G. A. Cohen, Larry Temkin, Thomas Nagel, and John Roemer (Dworkin, 2000; Cohen, 2000, 2008; Temkin, 1990, 2011; Nagel, 1991; Roemer, 1993, 1998; and for further discussion, Arneson). No actual advocate is guilty of fetishistic insistence on equal distribution when that would be Pareto suboptimal. In practice each asserts equality as one justice value to be sought among others, and furthermore asserts that we should seek greater aggregate good (benefits for people) as well as more equal distribution of that aggregate (and furthermore denies that equality takes anything close to lexical priority over greater aggregate good). So, acceptance of luck egalitarianism does not commit one to fetishistic insistence on equal distribution come what may.

The fetishism objection can be reformulated: One can object that equal distribution, everyone's having the same or getting the same, is not per se morally valuable, or per se a right-making factor at all (Frankfurt, 2015). So avoidance of the fetishism charge requires not only that one back off from insisting that we ought above all seek to make everyone equally well off, but also back off from asserting that there is any reason at all to make everyone equally well off or more nearly equally well off, apart from further contingent good consequences that might or might not flow from making people more nearly equally well off.

The repackaged fetishism objection raises fundamental issues, not easily settled. One might stiff-arm the objection and continue to maintain that equality of distribution genuinely per se matters, at least as one social justice value jostling with others. I simply note that there is an outlier position in the luck egalitarian family

of views that simply affirms the objection and insists that luck egalitarianism (or maybe better: luck “egalitarianism”) can accommodate it.

The outlier position holds that it does not fundamentally matter at all how one person’s condition compares to that of another, so a fortiori it does not fundamentally matter at all whether or to what degree one person’s condition is equal to that of another. However, this denial that justice is comparative is consistent with holding that if one person is worse off than another, and transferring resources from better off to worse off improves the condition of the worse off, that outcome can be morally desirable and morally mandatory even if the benefit to the worse off gainer is less than the loss to the better off loser, so that aggregate benefit shrinks. This is possible if benefits that accrue to a person matter more from the moral perspective, the worse off the person would otherwise be in absolute terms absent those benefits (Parfit, 1991). In graphical terms, this doctrine, known to philosophers as *priority*, simply asserts that if one plots how badly off a person is in absolute terms on the vertical axis, and the moral value of achieving a slight gain or benefit for the person on the horizontal axis, the resulting curve is concave.

By adding priority for the more deserving to priority for the worse off, one can cook up a family of positions that somewhat resemble the luck egalitarian position that it is morally bad if some are worse off than others through no fault or choice of their own. The prioritarian position that mimics luck egalitarianism holds that the worse off a person is in absolute terms, the morally better it is if a benefit of a given size accrues to her, and likewise the higher her deservingness score, the morally better it is if a benefit of a given size accrues to her. This simulacrum of luck egalitarianism does not imply any norm of equality of opportunity. I leave it to readers to decide whether the outlier prioritarian view should be classified as any sort of luck egalitarianism. The views are at least cousins.

(Not only does priority deliver no endorsement of equality of opportunity, it does not attach any intrinsic moral value to bringing it about that people have more rather than fewer opportunities. Suppose we could bring it at moderate cost that an identified group of people have greater opportunities for living well at moderate cost. Suppose these people are now badly off, heading toward low-quality lives unless something is done for them. We could bring it about that they come to have opportunities to enjoy life-enhancing opera performances by subsidizing local performances. Also we could build free gyms that would give them the

opportunity to achieve some physical fitness and athletic achievement. If providing opportunities for people is morally important in itself, for its own sake, then we have reason to provide these benefits, at least to some extent, independently of the chances the opportunities will be used effectively by the intended beneficiaries in ways that actually improve their lives. To take an extreme case, suppose there is zero chance that the beneficiaries of these policies will benefit at all: these people hate opera and are irrevocably set against engaging in hard exercise. If justice demands provision of equal or fair bundles of opportunities to people, justice might still demand this opportunity provision. Priority will not register any gain at all from this opportunity provision, since no one gains any benefit in outcome, so priority will deny there is any reason at all much less a justice obligation to bring it about that these people have these opportunities.)

So far, the idea of a person's being badly off or well off, as well as the idea that two persons are equally or unequally well off, have been left unspecified. Also, the responsibility or "luckism" component in luck egalitarianism has remained an unspecified placeholder. Different versions of luck egalitarianism vary in their specifications of these two basic building blocks of the doctrine. Different versions abound. But one important dividing line puts on one side those who hold that it is not the business of a theory of justice for regulating the institutions and practices of a liberal society to embrace principles that make the just treatment of individuals depend on how well off or badly off in their actual quality of life these individuals will end up if one or another treatment is applied to them. In John Rawls's words, justice "does not look behind the use which persons make of the rights and opportunities available to them in order to measure, much less to maximize, the satisfactions they receive. Nor does it try to evaluate the relative merits of different conceptions of the good" (Rawls, 1999, pp. 80-81). In a similar spirit, Ronald Dworkin maintains that each individual has a nondelegable responsibility for how her own life goes, and so egalitarian justice is rightly limited to providing equal resources and opportunities to individuals, and providing a fair framework for voluntary interaction, it then being the responsibility of each individual to use these resources as she sees fit (Dworkin, 2000 and 2011). And Dworkin adds that one cannot claim in one's own voice, nor can others claim on one's behalf, an entitlement to be compensated or aided for a condition that one regards as valuable, an enhancement of one's life, not an affliction or detriment. Egalitarian justice according to Dworkin should seek to equalize people so far as their

unchosen circumstances are concerned, not to interfere with the outcomes of the choices that people make, moved by their individual ambitions and aims, against a background of luck egalitarian equal opportunity.

Dworkin's position is unstable, because pressured by the basic luck egalitarian thought that we can only be genuinely responsible, and only reasonably held responsible, for what lies within our power to control. But my basic ambitions and aims may be the root cause of the misfortunes into which I have tumbled, and these may be overwhelmingly shaped by formative circumstances beyond my power to control. If you say that justice should compensate people for their unchosen native talents, but not for their aims and ambitions, you are in trouble, because among my unchosen natural talents may be a poor natural endowment of the potential for value choosing and ambition forming and choice making. And these unfortunately subpar native potential prudential talents may be further warped and twisted by early childhood environmental influences that are again uncontroversially beyond my power to control. So saying we should compensate people for native talent deficits but not for what comes of acting on their ambitions conflicts with holding that there are specially morally urgent duties to help improve people's lives that have gone awry due to causes beyond their power to control.

An example illustrates the difficulty. Suppose I am a righteous dope fiend—I want above all else to use heroin, and want to want to use heroin, and prize being the sort of person who is a heroin user. This ambition may induce actions that leave me far worse off than others. But my ambitions may simply reflect my poor endowment of ambition forming and choice making talent along with bleak early childhood socialization experiences that impress on me a positive time preference and thus strong proclivity for immediate gratification. Given all this, the treatment that reasonable luck egalitarian principles should hold I am owed may well require transporting me to Heroin-Free Island, where I will live well. No mere additions to my stock of resources and opportunities, however generous, may suffice for fair treatment, as the extra resources coupled with access to heroin would just result in a further downward spiral in the quality of my life.

This line of thought does not assume a hard determinist view that holds that all the choices we make are fixed by prior causes in such a way that no one is genuinely morally responsible for any choice and action she undertakes and so no one is reasonably held responsible for any choices. That's as may be. Let's assume for the sake of the argument that each of us has a libertarian free will, so each of us, in ways we cannot now explain, bears some responsibility for some choices she makes and can be to some degree morally deserving or

undeserving. Or as an alternative, we could embrace some soft determinist view that sees causal determinism and moral responsibility as compatible.

On any sane approach, this position still allows that favorable and unfavorable causes impinge on our choices, making it easy and pleasant for some, and difficult and painful for others, to do the right thing, so the extent to which one should get moral credit or discredit for choices and actions depends on the weight of these shaping forces that our striving would have to overcome.

We might hold that rewarding desert is impractical and that any attempt to do this would be counterproductive—in this case, even if justice in principle demands bringing it about that saints end up better off than sinners, justice in practice might have to forego this aspiration. Someone who insists that rewarding deservingness, making public policy responsive to the luckism component of luck egalitarianism, is indeed practical, has to be careful to avoid affirming coarse-grained accounts of deservingness that (for example) hold the heroin addict fully responsible for his choices to use heroin, and has to propose that there are goals that society can seek to achieve that can serve as good enough proxies for the tailoring of people's life outcomes to their individual deservingness considerations that we cannot directly and straightforwardly achieve.

Now let me restate the luck egalitarian responsibility idea. The idea is that we should not attribute responsibility to someone in the sense of liability to moral praise or blame for what lies beyond the person's power to control. Moreover, when some event or condition does lie within one's power to control, eligibility for being morally praiseworthy or blameworthy depending in its quality varies by degree. One gets more moral credit, if one does the right thing, the harder and more painful it was to do it, and one gets less moral discredit, if one does the wrong thing, the harder and more painful it would have been, to do the right thing instead.

Another version of the luck egalitarian idea appeals to individual choice not individual desert. Only unchosen inequalities call for redress. An individual can end up being less well off than others without this qualifying as any sort of failure of fulfillment of luck egalitarian equal opportunity provided that the individual had available some reasonable course of action she could have chosen and executed, that would have resulted in her being just as well off as others. (On this view, if a person had available a reasonable prudent choice to play it safe, but instead performed a nonobligatory heroic act of rescue or altruistic sacrifice, any resultant shortfall in her well-being will not constitute any deviation from luck egalitarian equality of opportunity.) The suggestion is

that a reasonable alternative course of action qualifies as less available to an individual, the more difficult and painful it would be for her to make and execute this choice. Availability and reasonableness of courses of action associated with an individual both vary by degree, so it is not clear how to measure the extent to which a situation with inequalities across persons comes close to conformity with luck egalitarian equality of opportunity.

The reader might object that my hand-wringing uncertainty about how one might sensibly incorporate concerns for personal responsibility and desert into distributive justice principles is shown to be misplaced in view of the many accepted institutions and practices that routinely rely on such notions. The criminal justice system aims to punish only guilty offenders after a fair judicial process and only according to their degree of culpability. Schools reward hard-working students; business firms reward productive employees. In many settings, it turns out that one would predict the virtuous will prosper more than the nonvirtuous.

But we should distinguish instrumental and noninstrumental uses of responsibility notions. In personal interaction and institutional practices we hold people responsible for their choices and actions by attaching incentives to encourage desired outcomes. We often seek out these social harnesses, and uncomplainingly acquiesce in them when they are imposed on us, for our own good and the good of others. These policies of holding one another responsible are ubiquitous and uncontroversial. We might argue about whether some of these policies should be reformed at the margins, but no one seriously questions the ensemble. But they are overwhelmingly justified, to the extent they are justified, by their (presumed) efficacy in bringing about socially desired behavior.

The uncontroversiality of our ubiquitous instrumental responsibility practices leaves it an entirely open question, whether some notions of responsibility, choice, and desert should have a place in fundamental principles of morality, that is to say, whether we should accept that it is morally important or valuable in its own sake to bring it about that people fare better or worse in life depending on the degree to which they behave as well as it is morally reasonable to expect them to behave, given contingencies of fate that render some choices and actions beyond their power to control and some extremely difficult and painful to control. Any such fine-grained responsibility and deservingness assignments will surely be highly revisionary with respect to our usual hierarchies of virtuous status. On a fine-grained view, it might turn out that I am more to blame for ordinary bourgeois faults such as stupidly becoming drunk and misbehaving at my brother's wedding than some ax

murderers are for their bloody deeds, pushed on them by overpowering desires and resisted by them to an almost heroic extent. To reiterate, even if these notions belong in the formulation of fundamental principles, if any feasible attempts to implement them in given circumstances would be counterproductive, the luck egalitarian principles themselves counsel against any attempt at implementation.

Finally, I simply mention an issue that has far more practical relevance for the determination of what we ought to do than the elusive responsibility components of luck egalitarian views. This is the scope of their application. We standardly conceive of distributive justice principles as operating country by country, with Mexicans having egalitarian distributive obligations to Mexicans, Canadians to Canadians, Nigerians to Nigerians, and so on. There is nothing in the luck egalitarian family of distributive justice ideas that suggests the appropriateness of any such scope restriction (but for a contrary view, see Dworkin 2000). The principles demand in the name of justice that some egalitarian values be implemented by all of us anywhere and everywhere. Distributive justice is global distributive justice. Pondering what social justice demands of us, we do not gain the right evaluative perspective merely by eyeballing the condition of our fellow countrymen.

5. Conclusion.

This essay has surveyed several disparate norms of equality of opportunity and located unsettled interpretive issues for each one that has any initial plausibility. No formulation is plausibly regarded as a fundamental social justice principle, as opposed to a possibly helpful means to advance the fulfillment of other norms. The problems and puzzles lurking in these other versions suggest embracing the radical luck egalitarian doctrine, which says that equality of opportunity obtains among people when no one is worse off than others though no fault or choice of her own. But this doctrine also proves problematic under examination. Some of its difficulties are eased by switching allegiance to prioritarianism, but in doing so we would be dropping the claim that social justice, or more broadly, fundamental moral principles, necessarily require equality of opportunity in any form .

References.

- “Arneson, R. (2011). ‘Luck egalitarianism—a primer,’ in C. Knight and Z. Stemplowska, eds., *Responsibility and Distributive Justice*, Oxford: Oxford University Press, pp. 24-50.
- Bowles, S., Gintis, H., and Osborne, M., eds. (2005). *Unequal Chances: Family Background and Economic Success*, Princeton and Oxford: Princeton University Press.
- Brighouse, H., and Swift, A. (2014). *Family Values: The Ethics of Parent-Child Relationships*, Princeton: Princeton University Press.
- Cohen, G.A. (2000). *If You’re an Egalitarian, How Come You’re So Rich?*, Cambridge, MA, Harvard University Press.
- Cohen, G.A. (2008). *Rescuing Justice and Equality*, Cambridge, MA: Harvard University Press.
- Dworkin, R. (2000). *Sovereign Virtue: The Theory and Practice of Equality*, Cambridge, MA: Harvard University Press.
- Dworkin, R. (2011). *Justice for Hedgehogs*, Cambridge, MA: Harvard University Press.
- Esping-Anderson, G. (2009). *The Incomplete Revolution: Adapting to Women’s New Roles*, Cambridge: Polity Press.
- Fleurbaey, Marc. (2008). *Fairness, Responsibility, and Welfare*, Oxford: Oxford University Press.
- Frankfurt, H. 2015. *On Inequality*, Princeton: Princeton University Press.
- Freeman, S. (2007). *Rawls*, London and New York, Routledge.
- Heckman, J. (2013). *Giving Kids a Fair Chance*, Cambridge, MA: MIT Press.
- Nagel, T. (1991). *Equality and Partiality*, Oxford and New York: Oxford University Press.
- Nagel, T. (2003). ‘Rawls and liberalism,’ in S. Freeman, ed., *The Cambridge Companion to Rawls*, Cambridge: Cambridge University Press, pp. 62-85.
- Nozick, R. (1974). *Anarchy, State, and Utopia*, New York: Basic Books.
- Rawls, J. (2001). *Justice as Fairness: A Restatement*, E. Kelly, ed., Cambridge MA: Harvard University Press.
- Parfit, D. (1991). ‘Equality or Priority?’, Department of Philosophy, University of Kansas, Lindley Lecture.

Roemer, J. (1993). 'A pragmatic theory of responsibility for the egalitarian planner,' *Philosophy and Public Affairs* 22, pp. 146-166.

Roemer, J. (1998). *Equality of Opportunity*, Cambridge, MA: Harvard University Press.

Scheffler, S. (2003). 'What is egalitarianism?', *Philosophy and Public Affairs* 31, pp. 3-30.

Scheffler, S. (2005). 'Choice, circumstance, and the value of equality,' *Politics, Philosophy, and Economics* 4, pp. 5-28.

Segall, S. (2013). *Equality and Opportunity*, Oxford: Oxford University Press.

Shiffrin, S. (2004). 'Race, labor, and the fair equality of opportunity principle,' *Fordham Law Review* 72, pp. 1643-1675.

Taylor, R., (2011). *Reconstructing Rawls: The Kantian Foundations of Justice as Fairness*, University Park: Pennsylvania State University Press, chap. 5, 'The priority of fair equality of opportunity,' pp. 173-191.

Temkin, L. (1990). *Inequality*, Oxford: Oxford University Press.

Temkin, Larry (2011). 'Justice, equality, fairness, desert, rights, free will, responsibility, and luck, in Knight, Carl, and Stemplowska, S., eds., *Responsibility and Distributive Justice*, Oxford: Oxford University Press, pp. 51-77.

¹ . This is not to deny that the views can conflict. If fulfillment of Rawlsian FEO hinders fulfillment of the luck egalitarian ideal, the advocate of the latter as a complete theory of distributive justice will favor paying no heed to FEO and going whole hog for luck egalitarianism.

² . This statement does not imply that there are no difficulties in developing a standard that enables one to compare distributions of goods and bads across people to rank them as farther or closer from equal distribution.